

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

SUSAN ELIZABETH MEAGHER]	
Plaintiff,]	
]	
v.]	No. 3:16-cv-2058
]	Judge Trauger
SPENCER LOUIS MAIGE]	
Defendant.]	

MEMORANDUM

The plaintiff, proceeding *pro se*, is a resident of Birmingham, Alabama. She brings this action pursuant to 42 U.S.C. § 1983 against Spencer Louis Maige, a resident of Fairview, Tennessee, seeking declaratory, injunctive and monetary relief.

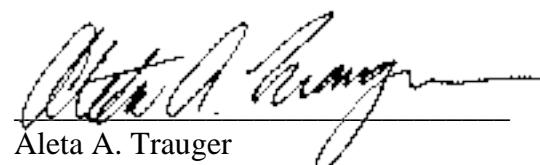
The defendant is the lead singer in a band that performs at various public venues. In February, 2014, the plaintiff was found guilty of stalking the defendant. The defendant was granted an Order of Protection and the plaintiff was placed on probation. The plaintiff was later found guilty of violating the Order of Protection and was held in the Williamson County Jail for ninety (90) days.

The plaintiff claims that the defendant defamed her character and committed perjury in an effort to obtain the Order of Protection. She further charges the defendant with criminal contempt of court.

To state a claim for § 1983 relief, the plaintiff must plead and prove that the defendant, while acting under color of state law, deprived her of some right guaranteed by the Constitution or laws of the United States. Parratt v. Taylor, 451 U.S. 527, 535 (1981).

It is readily apparent that the defendant was not acting under color of state law when he charged the plaintiff with stalking him and sought an Order of Protection. Thus, the plaintiff has failed to state a claim against the defendant for which relief can be granted. Under such circumstances, the Court is obliged to dismiss this action *sua sponte*. 28 U.S.C. § 1915(e)(2)(B)(ii).

An appropriate order will be entered.



Aleta A. Trauger
United States District Judge